

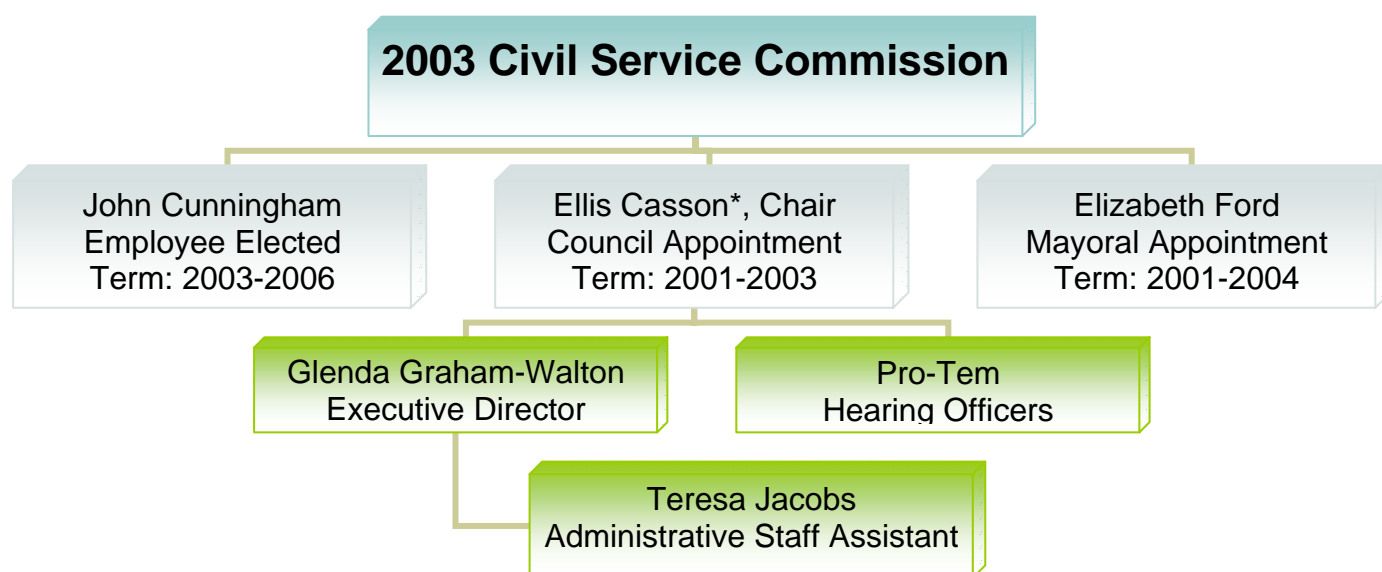
City of Seattle Civil Service Commission 2003 Annual Report



Includes a summary of Civil Service Commission Appeals from 1999-2003.

Seattle Civil Service Commission
700 Third Avenue, Suite 360
Seattle, Washington 98104-1809

Your Seattle Civil Service Commission



City of Seattle of Seattle Charter established the Civil Service Commission in 1979.
The current commission profile is:

				(1)	(2)	(3)	(4)	(5)
<u>Men</u>	<u>Women</u>	<u>Vacant</u>	<u>Minority</u>	<u>Asian</u>	<u>Black</u>	<u>Hispanic</u>	<u>Native American</u>	<u>Other</u>
2	1				1			

**The Seattle City Council appointed Ellis Casson to a second term in December. His new term is from January 2004- December 2007. The Commission also re-elected Commissioner Casson as Chair for 2003.*

CITY OF SEATTLE CIVIL SERVICE COMMISSION 2003 ANNUAL REPORT

1) INTRODUCTION

- A. OUR MISSION
- B. WHO WE ARE
- C. WHAT WE DO
- D. SERVICES PROVIDED
- E. WHAT TYPES OF APPEALS MAY BE FILED

2) 2003 HIGHLIGHTS

3) SUMMARY OF 2003 WORK

4) APPEALS AND HEARINGS

- THE APPEAL PROCESS FLOW CHART

5) 2003 CASE STATUS REPORT

6) 2003 CSC WORK PLAN

7) CITYWIDE DISCIPLINARY ACTIONS: APPEALS FILED AND DISCIPLINARY LETTERS RECEIVED BY DEPARTMENTS, 1999-2003

8) SUMMARY OF FOLLOW-UP RESULTS ON 18 AUDIT

RECOMMENDATIONS

CITY OF SEATTLE

CIVIL SERVICE COMMISSION

INTRODUCTION

State law requires a civil service commission for firefighters and police officers. There is also a provision in the law that allows cities to create Civil Service Commissions for other employees. Historically the role of Civil Service Commissions is to ensure that employees are hired based on merit, terminated only for just cause, and not hired for political reasons. The City of Seattle established a Civil Service Commission by a Charter Amendment in 1979. A revision to the City Charter established the Commission. Article XVI, Sections 3, 4, 5 and 6 of the Charter describe the duties and responsibilities of the Civil Service Commission.

OUR MISSION

The Commission's mission is to:

- Provide timely reviews of employee appeals regarding disciplinary actions and the administration of the City's Personnel system.
- Provide timely and valuable input on personnel rules and legislation.
- Make recommendations to ensure effectiveness and fairness in the personnel system.

WHO ARE WE?

The Commission is a three member, impartial, quasi-judicial body. The Mayor and the City Council each appoint a member to the Commission and the City's Civil Service employees elect a member. Each commissioner serves a three-year term. An Executive Director and an Administrative Staff Assistant support the Commission and manages operation of the Commission's office.

WHAT WE DO?

The Commission hears appeals filed by civil service employees in all City departments. Departments may also file appeals with the Commission. Most appeals relate to disciplinary matters and alleged violations of the Personnel ordinance or rules. The Commission also reviews proposed programs, policies, rules, legislation, etc. that relate to the City's Personnel system. In addition, the Commission is responsible for investigating charges of undue influence in the hiring process, by elected officials.

SERVICES PROVIDED:

The Commission serves the City of Seattle by providing five primary services:

1. Serves as a quasi-judicial body and is responsible for conducting fair, impartial and timely hearings of employee appeals involving the administration of the City's personnel system. Employees who are members of the civil service may appeal to the Commission personnel actions such as demotions, suspensions and terminations, or alleged violations of the City's Personnel Ordinance and its related rules, policies and guidelines.
2. Provides employees and departments with timely, fair, and impartial hearings, and renders decisions on employee appeals. The Commission may issue remedial orders, as it deems appropriate. The Commission has the power and authority to reinstate employees, and introduce legislation for lost wages and benefits.
3. Monitors the administration of the City's personnel system. Reviews and provides comments and feedback on all proposed personnel ordinances, rules, policies and guidelines.
4. Submits to the Mayor and the City Council recommendations concerning the administration of the personnel system and may propose legislation, if deemed necessary and appropriate.
5. Conducts investigations and issues findings regarding complaints that the Mayor or other elected official, or a member of their immediate staff has initiated a recommendation regarding a candidate for City employment, or that any person has used inappropriate pressure to effect the hiring of any candidate for City employment.

WHAT TYPES OF APPEALS MAY BE FILED?

- ◆ Appeals of disciplinary actions. These include:
 - Suspensions
 - Demotions
 - Discharges
- ◆ Appeals involving the administration of the Personnel System such as:
 - Classification and/or Compensation
 - Work out-of-class
 - Overtime
 - Promotions
 - Employee Evaluations
 - Political Patronage
 - Alleged violations of the Charter, Municipal Code, Personnel Rules, Policies and Procedures

2) 2003 HIGHLIGHTS

Commission Rules of Practice and Procedures-The Commission adopted revised rules in December 2002. The Commission operated under the rules, but included periodic reviews throughout 2003 to ensure that the rules worked operationally. The Commission revisited the rules in June and September of 2003. After working with the rules and revisiting them to ensure that they were consistent with the Commission's charter and practices, the Commission completed a modification of the rules in December.

The modified rules are available for public comment through first quarter of 2004. The comment period ends in March of 2004. Every City department received a copy of the modified rules, for comments and the Commission posted the proposed rules on its web site. The Commission will adopt the modified version of its rules of practice and procedure at its April 2004 meeting.

Brochures and Handouts-The Commission retired the "Plain Language Guide" and produced three brochures to replace it. The brochures explain the Commission's roles, responsibilities, and the appeal process to employees. One brochure gives a general overview of the Commission, the second describes an appeal and the third gives an overview of the hearing process and defines some of the legal terminology used in that process.

Commission Audit-In 2001 the City's Auditor conducted an audit of the Civil Service Commission and made several recommendations. The Auditor completed a follow-up to that review in 2003. The follow-up shows that by October 2003 the Commission responded to, or implemented 100% of the audit recommendations.

Staffing-Three individuals joined the Commission in 2003. The Commission added two new staff members, an Executive Director, an Administrative Staff Assistant, and City employees elected a new Commissioner. John Cunningham is the newly elected employee representative on the Commission. Commissioner Cunningham's term ends in 2006. In December, the City Council reappointed Ellis Casson to the Commission. Commissioner Casson will serve another three-year term, ending in 2007.

File Reconciliation-Commission staff began reconciling over thirty years of Commission files. Case files and records dating back to the 1970's and a few to the 1950's were sorted, reviewed, filed, archived or destroyed according to the Commission's record retention schedule.

Findings-In addition to dismissal orders at the closure of an appeal, the Commission may issue decisions, determination orders and findings. Decisions, determination orders and findings establish precedent and may be referred to in future appeals. In 2003, the Commission issued one memorandum decision, two findings of fact and two determination orders.

3) SUMMARY OF 2003 WORK

The Commission's primary responsibility is to hear employee appeals involving suspensions, demotions, terminations and alleged violations of the City's Personnel rules and ordinances. Sixteen appeals were before the Commission in 2003. The Commission received fourteen (14) new appeals. Of those, five (5) involved suspensions, one (1) a demotion, four (4) discharges, three (3) involved alleged violation of Personnel Rules or Ordinances, and one (1) involved a letter of reprimand. The Commission also had one (1) appeal that carried over from the previous year, and one (1) appeal remanded back to the Commission. Two additional appeals remained in Superior Court.

The Commission may hear appeals or the Commission may delegate the hearing of an appeal to one of its two contract Hearing Officers or to the Office of the City's Hearing Examiner. In 2003, the Commission heard one appeal, six appeals were delegated to the Office of the Hearing Examiner and six appeals were delegated to the Commission's contracted Hearing Officers. Seven appeals were completed in 2003 and six appeals have continued into 2004, two before the Office of the Hearing Examiner and four before contract Hearing Officers. (Hearing Officers began receiving appeals late in the year, which accounts for their increased amount of carry-over appeals.)

Of the appeals settled in 2003, one appeal was settled after referral to the City's Alternative Dispute Resolution Program (ADR). The Commission dismissed one appeal that was "stayed" because the appellant failed to maintain contact. The issue may have been resolved within the department. An appeal was dismissed as not timely filed; this appeal was also referred to the City's Office of Civil Rights, as discriminatory practices were alleged in the appeal. The Executive Director dismissed the letter of reprimand immediately, as the Commission does not hear appeals involving letters of reprimand. The Commission also issued one Memorandum Decision from its hearing and affirmed a Findings of Facts, from an appeal delegated to the Office of the Hearing Examiner.

The Commission received 69 copies of disciplinary letters from City departments. Personnel records indicate that departments took 75 disciplinary actions. This represents 92% reporting of these actions by departments to the Commission. In reviewing the Personnel data, it appears that one or two small departments may not know that the Commission needs notification of disciplinary actions. The Commission will correct this in 2004. Departments also may not be reporting discharges if they involve temporary employees.

The Commission also reviews and comments on Personnel rules and legislation. The Commission provided feedback on such matters twice in 2003. In addition, the Commission considered legislation regarding the clarification of appeal rights for represented employees. The review of this ordinance is continuing into 2004.

4) APPEALS AND HEARINGS

The Commission reviews all appeals received and hears those appeals that are within its jurisdiction. The Commission refers appeals not within jurisdiction or appeals more appropriate to other City. The Commission refers appeals to such agencies as the Seattle Office for Civil Rights, the City's Employee Assistance Program, the City's Labor Relations Division, the Ethics Commission and the City's Alternative Dispute Resolution Program.

The Commission hears appeals of disciplinary actions or of actions related to the City's personnel administration. Most appeals must be received within twenty days of the final disciplinary action or alleged violation of a personnel rule or law. The Commission itself may hear an appeal or the Commission may delegate the hearing of an appeal to the Office of the City's Hearing Examiner or a contracted Hearing Officer. If the Commission does not hear the appeal, the Commission reviews the findings of the Hearing Examiner or Officer and votes to accept or reject that decision.

Appeals usually include pre-hearing conferences. The purpose of the pre-hearing conferences is to

- ◆ to explain the process and procedures.
- ◆ to determine if attempts have been made to settle the issue or if there is an interest in pursuing a settlement,
- ◆ to clarify and simplify the issues,
- ◆ to set a schedule for gathering materials and witnesses.
- ◆ to set a hearing date

The Commission is a strong proponent of alternative dispute resolution, as a means for settling disagreements and improving workplace communication. Parties interested in pursuing this process are referred to the City's ADR program and their appeals are "stayed" until that processes is completed.

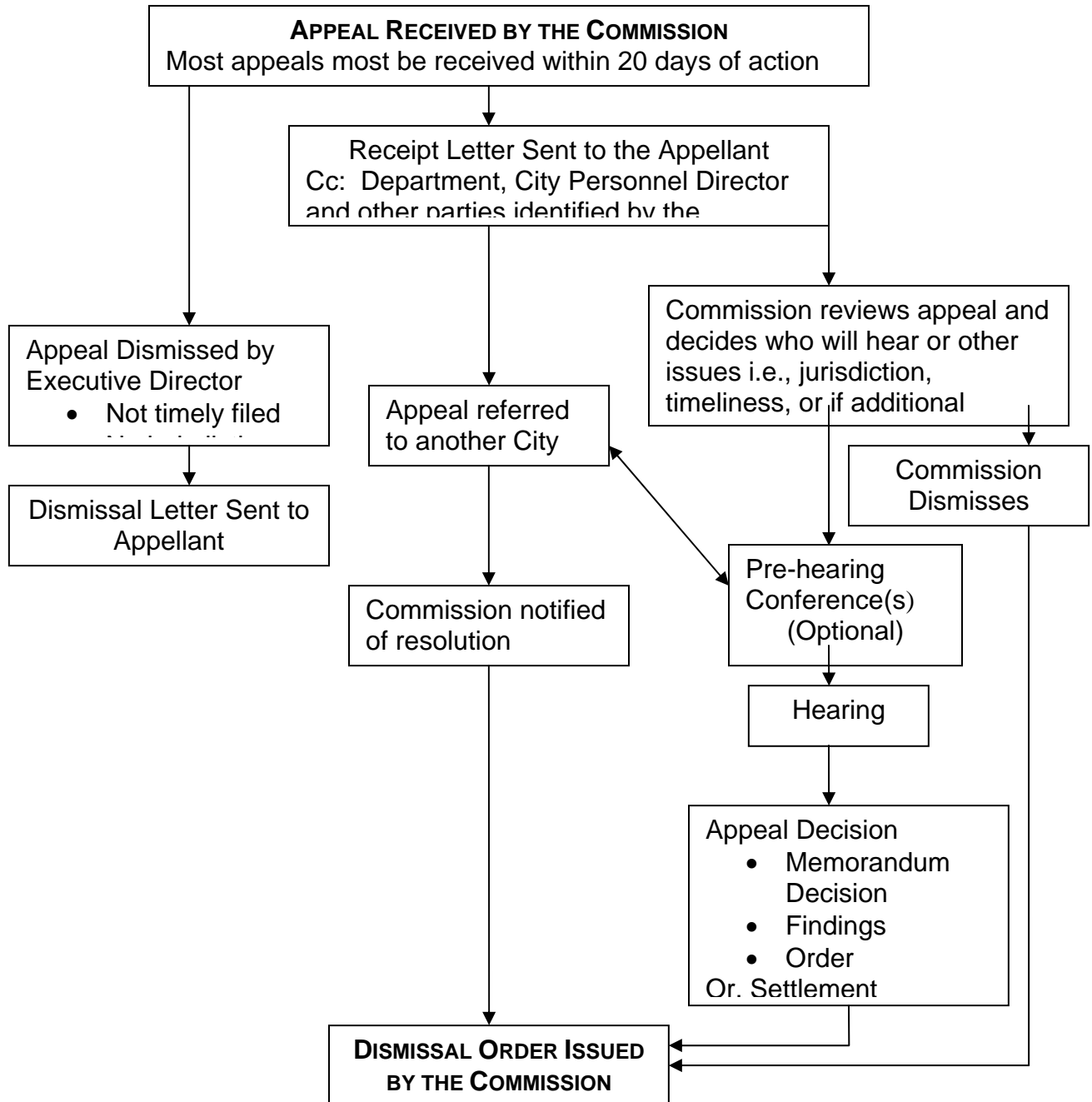
If a Hearing Officer or Examiner hears the appeal, a decision is issued within 15 days of the close of the record. If the Commission hears the appeal, a decision is issued within 90 days of the close of record. The Commission may reconsider a decision for one or more of the following:

- Material Error or Mistake of Fact
- Mistake of Law
- Misapplication of Law, Rule, or Regulation
- Decision fails to do substantial justice
- Decision based on fraud, mistake, or misconception of facts

The Commission's decisions are final and become the finding of fact, conclusion of law and order of the Commission fourteen days following the date the decision is issued. A Commission decision is the final decision of the City.

THE APPEAL PROCESS FLOW CHART

THIS FLOW CHART IS A SIMPLE OVERVIEW OF THE APPEAL PROCESS. THE PROCESS CAN BE SEVERAL WEEKS OR MONTHS, ALSO, AN APPEAL MAY BE SETTLED OR DISMISSED AT ANYTIME DURING THE PROCESS.



5) 2003 Case Status Report

CSC Appeal Numbering System and Key
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Year	Issue of appeal	Sequential number for the year (001-100) *
Last two digits of current	Use #1-7 (See Key)	Begin each year with 001

Issue of Appeal Key

1. Dismissal, demotion or suspension
2. Discrimination, protected class
3. Personnel Rules Violation; re: benefits, leave, classification or compensation
4. Personnel Rules Violation; re: entry, promotion, reinstatement, lay off
5. Evaluation
6. Political Patronage
7. Miscellaneous/Other

*Begin each year with the 001 and number all appeals sequentially, regardless of the issue of the appeal.

BEFORE THE CIVIL SERVICE COMMISSION:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
03-01-008	Parks	9/29/03		Demotion	Appellant demoted for failure to follow cash handling procedures and ineffective management of staff cash handling. 1 st Pre-hearing conference set for November 12, 2003 with Gary McLean presiding. Hearing scheduled for March 4 and 5, 2004.	CSC Hearing Officer-McLean
03-01-007	SPD	9/29/03		Discharge	Alleges probationary discharge w/ out oral, written notice through progressive discipline or evaluation/no evaluation in six years of employment. 1 st Pre-hearing conference set for October 29, 2003 with Gary McLean presiding. Briefing to determine jurisdictional issues, to be completed Monday, December 22, 2003. Hearing 02-03-04.	CSC Hearing Officer - McLean
03-03-010	HSD	10/3/03	Personnel Rule 3.5.4 Out-of-Class	Compensation	Appellant alleges she did not receive due compensation for working out of class in a senior level position. 1 st Pre-hearing conference set for December 9, 2003 with Jennifer Divine presiding. Pre-Hearing continued until February 3, 2004.	CSC Hearing Officer-Divine
03-01-011	PRSNL	10/9/03		Discharge	Appellant alleged she was not afforded progressive discipline, warning or other reprimand or correction or opportunity to correct conduct. 1 st Pre-hearing conference set for November 12, 2003 with Gary McLean presiding. Pre-hearing Continued until November 20, 2003. Pre-hearing cancelled. Withdrawal and substitution of counsel, December 23, 2003.	CSC Hearing Officer-Gary McLean

Delegated to the Office of the Hearing Examiner:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
03-03-007	City Light	8/19/03		Suspension	Pre-hearing set for October 17, 2003. Hearing set for December 2, 2003, rescheduled to January 13, 2004. Continuance to April 6, 2004.	OHE
03-01-012	City Light	11/12/03		Suspension	Appellant alleges one-day suspension was without just cause. Hearing scheduled for March 9, 2004.	OHE

CASES CLOSED:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
02-01-002	Parks	1/31/02	Personnel Rule, 3.2.300 reallocation	Discharge	Dept. alleges Appellant was probationary when discharged. App. contends probation was completed and contests her probationary status. Hearing is set for 3/17/03 in Superior Court. Remanded back to CSC for hearing by Order dated April 10, 2003. Notice of Deposition on 6-25-03. Hearing before the Commission, Commissioner Ford is Presiding Officer on August 11, 2003. Memorandum Decision issued 10/03/2003. Hearing continued until December 18, 2003. Dismissed per appellant request.	CSC Dismissed 1/7/04
03-01-005	SPU	7/14/03		Suspension	Appellant alleges the two-day suspension he received was not for just cause. Pre-hearing set for October 20, 2003. Hearing scheduled for December 16, 2003. Dismissed per appellant request.	(OHE) Dismissed 12-17-03
03-01-004	DoIT	6/23/03	Personnel Rule 1.3.6.1	Discharge	Appellant alleges he was not given a pre-disciplinary hearing prior to termination. Pre-hearing set for August 7, 2003 with Gary McLean presiding. Pre-hearing set for October 17, 2003, with Ann Watanabe, Hearing Examiner. Hearing scheduled for December 2, 2003. Appellant failed to appear.	(OHE) Dismissed 12/9/03

CASES CLOSED (Continued)

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
03-01-009	SDOT	8/29/03		Suspension	Appellant alleges suspension was not justified. Pre-hearing set for October 16, 2003 with Jennifer Divine presiding. 2 nd Pre-hearing set for December 8, 2003. Appellant & supervisor mediated with City's ADR. Appeal dismissed per appellant request.	CSC Hearing Officer Dismissed 11/19/03
03-03-008	SCL	8/19/03		Discharge	Commissioners need to decide who will hear. Pre-hearing set for October 22, 2003. Appellant withdrew appeal. Dismissal Order sent by OHE Hearing Examiner, Anne Watanabe on October 23, 2003. Hearing scheduled for November 19, 2003 canceled. Commission dismissal order issued 11/19/03. Dismissed per appellant request.	(OHE) Dismissed 10/23/03
03-03-001	DCLU	02/04/03	Personnel Rule 3.1.4	Compensation	Alleged procedural violation of the salary step placement for step progression pay program. Held in abeyance at the request of Appellant pending attempted settlement. Appellant appears to be pursuing grievance through union. E-mailed appellant requesting status. Dismissal or Respond letter sent September 10, 2003. Dismissal Order issued October 9, 2003.	CSC Dismissed 10/9/03
02-01-016	Parks	11/26/02	SMC 4.04.070	Discharge	Appellant alleges termination was not for cause. Sue Sampson retained as counsel. Referred to OHE on 1/23/03. Hearing held 6-16-03 and continued until 7-16-03. Decision sent to reviewing officer (Commissioner Cunningham). Commission affirmed the Hearing Examiner's decision. Findings of Fact issued 7/31/2003. Order of dismissal issued on September 18, 2003.	(OHE) Dismissed 9/18/2003
03-01-006	SPU	7/24/03		Suspension	Appellant alleges suspension imposed was too severe and discriminatory. Order of dismissal, not timely filed, issued by chair, 8/01/03. Referred to SOCR. Appellant requests a review of the dismissal decision. Commission affirmed decision. Dismissal affirmation letter sent 9/2/03.	CSC Dismissed 9/2/03
03-01-003	SPD	3/24/03		Layoff	Referred to OHE. Prehearing conference held 4/18/03. Notice of Appearance received from Paul Olsen for Respondent. Hearing set for 8-20-03. Notice of Appearance received from Carla Kiiskila for Appellant.	(OHE) Dismissed 8/6/03

					Hearing reset for Sept. 17-19 at the OHE Hearing Room. Withdrawn per appellant request. Dismissal Order issued August 6, 2003.	
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PENDING BEFORE A COURT OF LAW:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY
97-01-006	Seattle Center	3/10/97	Suspension Discharge	Suspended without cause. Claims Last Chance Agreement signed under duress. Discharge without just cause.	Hearing Examiner issued decision on 9/9/97 upholding timeliness on one part of Appellant's motion, but not on another. Court of Appeals remanded case to CSC for review. (CSC believes it does not have jurisdiction over appellant.) Case remains inactive, as Appellant has not pursued since mandate issued by Court of Appeals.
97-01-016	Parks	8/5/97	Suspension Discharge	Lay-off in violation of Pers Rules	Appellant was Intermittent and appeal was not timely filed Superior Court issued order 2/29/00 reversing CSC. Decision entered 8/17/01, reversed and remanded to trial court to consider appellant's petition. Remains in the discovery phase, no trial date set yet.

6) 2003 CSC Work Plan

2003 CIVIL SERVICE COMMISSION WORK PLAN

<i>Task</i>	<i>Related Activities</i>	<i>Status</i>	<i>Date</i>
1. Revise Commission rules and Procedures.	<p>Research rules and procedures of other Commissions.</p> <p>Update the commissions rules of Practice and Procedures</p> <p>Note needed changes to the revised rules as the CSC works with them over the next few months (January-May).</p>	<p>The initial revision of the Commission's rules is completed.</p> <p>The Commission will review the rules and make necessary amendments in June 2003.</p> <p>Revised Commission rules are on the Commission's PAN site.</p>	In-Process- New Rules to be adopted in April 2004.
2. Clarify the role and responsibilities of the Commission, Executive Director and Hearing Examiner.	<p>Review PDQ and charter to ensure roles and responsibilities are consistent with operating laws and rules.</p> <p>Produce a document that explains the processes for appeals, including jurisdictions and authority.</p> <p>Incorporate roles and responsibilities in the Commissions Rules and Procedures.</p>	<p>An updated PDQ for the Executive Director was submitted to the City's Personnel department.</p> <p>Written clarification of roles and responsibilities will be included in the Commissions rules, in June 2003.</p> <p>Links to the Commission's Charter, rules and laws governing the Commission are on the Commission's PAN site.</p> <p>A contract for Pro-Tem Hearing Officers was sent to the Hearing Examiner and Pro-Tem Officers for</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p>

		review and comment.	Completed
3. Improve workspace for staff and office efficiency.	Improve access to CSC documents for all staff. Create space for pro-tem Hearing Officers to work-so that staff and records are accessible.	E-mail was sent to Ruby Harris asking if the CSC can have the three offices in the SE corner of room 360.	Completed
4. Improve relationships with City Council, Mayor's Office, City Departments and labor.	<p>Meet with representatives from each constituency to discuss and clarify roles and responsibilities.</p> <p>Conduct discussion sessions with departments and labor on the Commission Rules and Procedures.</p> <p>Publish an annual report and send copies to all departments.</p>	<p>The Council has suggested an Annual report published by the Commission will be a good start in this direction. A 2003 annual report will be prepared and distributed.</p> <p>Review department compliance with sending copies of final discipline to the Commission. Develop a system to track actions. Include results in the annual report.</p>	<p>On-going</p> <p>To be completed 1st quarter 2004</p> <p>Completed</p>
5. Clarify jurisdictions.	<p>Draft procedures for referrals to the Office of the hearing examiner.</p> <p>Consider procedures for referrals to the City's Alternative Dispute Resolution (ADR) Program.</p> <p>Meet with Department HR representatives and Union to discuss and clarify.</p> <p>Include departments' obligations under the Charter in the Commission's Rules,</p>	<p>Met with Office of the Hearing Examiner to discuss roles and responsibilities.</p> <p>Meet with the City's Alternative Dispute Resolution staff and consider rules that defer matters to ADR.</p> <p>Review & summarize the current ADR Program for the Commissioners.</p> <p>Draft rules for referral to ADR for the Commission's review.</p>	<p>Completed</p> <p>Completed</p> <p>Pending Rules ADR portion complete</p>

	<p>i.e., sending the Commission notice of disciplinary actions.</p> <p>Send a letter or confirmation to departments from the Commission clarifying roles as an introduction to the updated and finalized version of the Commission's rules.</p>	<p>Draft procedures for Commission staff to secure departmental information in the Commission's rules and Procedures.</p> <p>One Commissioner and the Executive Director will meet with the various City departments to discuss the Commission's new Rules and Procedures.</p>	<p>Completed</p> <p>Pending Rules</p>
6. Update the Plain Language Guide (PLG).	<p>Solicit review of comments on Current Guide.</p> <p>Consider best options for presenting CSC information previous in the PLG to City employees.</p> <p>Draft several brochures or other documents to replace the PLG.</p> <p>Consider additional on-line information on the process. Including in-web access.</p>	<p>Comments on the current PLG were submitted and reviewed.</p> <p>Based on the comments and feedback, the new Executive suggested that several direct brochures addressing specific issues and processes be used in place of one guide.</p> <p>The Commission agreed with these concepts and drafts of documents are being designed to replace the current guide.</p>	<p>Completed</p> <p>Completed</p>
7. Track and Maintain current status on open cases.	<p>Research other case management systems being used.</p> <p>Affirm the status of all pending appeals.</p>	<p>Will dismiss all "Stays", allowing the employee to re-file if the issue has not been resolved.</p>	<p>Completed</p>

<p>8. Improve the efficiency and effectiveness of monthly meetings.</p>	<p>Review Open meetings Act.</p> <p>Record Meetings.</p> <p>Follow standard meeting operations rule, i.e. "Robert's Rules of Order".</p> <p>Prepare "speaking points" for the Chair at public meetings.</p> <p>Create a sign-in sheet for individuals wanting to speak at meetings.</p> <p>Meet with the Commissioner Chair prior to meetings to review the agenda.</p>	<p>Copies of the Open Meeting act are included in each Commissioner's binder for easy reference, along with the SMC and Charter provisions with CSC's charge.</p> <p>All meetings are currently recorded.</p> <p>Sign-in sheets have been created and are in use beginning February, 2003</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p>
<p>10. Provide training about the Civil Service Commission.</p>	<p>Include training as one of the Commission's Activities:</p> <ul style="list-style-type: none"> • Host question/answer sessions about the Commission. • Include in our annual correspondence (payroll stuffer) to employees a brochure of who we are and what we do. • Include who we are and what we do on the City PAN site. 	<p>Payroll stuffers were sent to employees.</p> <p>The two-page handout on the Civil Service Commission used at the New Employee orientation was reviewed and updated.</p>	<p>Completed</p> <p>Pending Rules</p>

	<ul style="list-style-type: none"> • Incorporate information about the CSC in the New Employee and Supervisors orientations. • Produce brochures and handouts. 		
11. Coordinate Citywide information regarding discipline. (Departments are already supposed to send the Commission copies of final discipline imposed.)	<p>Develop database to track actions.</p> <p>Staff can develop a tracking database that will provide information that may help departments (and the City) impose more consistent discipline.</p>	Review if departments are sending copies of final discipline.	Completed

7) CITYWIDE DISCIPLINARY ACTIONS

APPEALS FILED AND DISCIPLINARY LETTERS RECEIVED BY DEPARTMENT 1999-2003

The following page and charts summarize the number of appeals and disciplinary letters received by the Commission from January 1, 1999 through December 31, 2003. Each chart shows the City Departments the appeals or letters came from, beginning with 2003. Please note that the number of letters received may not correctly represent the total number of disciplinary actions taken, by City departments. Although departments are to notify the Commission when disciplinary actions are taken, recent verification of records indicate that reporting is between 80% and 90%.

As stated in the "2003 Work Summary", it appears that departments are not forwarding disciplinary letters to the Commission if the discipline involved a probationary employee. In 2004, the Commission will communicate the importance of forwarding copies of letters of all final disciplinary actions, as an employee may appeal their probationary status. Two appeals heard in 2003 involved probationary status.

Summary of Appeals Filed and Disciplinary Letters

The charts on the following pages show the appeals filed and the disciplinary letters that the Commission received from January 1, 1999 through December 31, 2003. The charts are summarized below:

January 1, 2003-December 31, 2003

Employees from nine City departments filed fourteen appeals. Commission records indicate that the Commission received 69 copies of disciplinary letters sent out by departments. If the Commission received the required copies of disciplinary letters, then approximately 20% of the City employees experiencing disciplinary actions appealed to the Civil Service Commission.

January 1, 2002-December 31, 2002

Employees from eight City departments filed sixteen appeals. Commission records indicate that the Commission received 66 copies of disciplinary letters sent out by departments. If the Commission received the required copies of disciplinary letters, then 24% of the City employees experiencing disciplinary actions appealed to the Civil Service Commission.

January 1, 2001-December 31, 2001

Employees from nine City departments filed eleven appeals. Commission records indicate that the Commission received 80 copies of disciplinary letters sent out by departments. If the Commission received the required copies of disciplinary letters, then almost 14% of the City employees experiencing disciplinary actions appealed to the Civil Service Commission.

January 1, 2000-December 31, 2000

Employees from fifteen City departments filed twenty-eight appeals. Commission records indicate that the Commission received 70 copies of disciplinary letters sent out by departments. If the Commission received the required copies of disciplinary letters, then 40% of the City employees experiencing disciplinary actions appealed to the Civil Service Commission.

January 1, 1999-December 31, 1999

Employees from eleven City departments filed twenty-five appeals. Commission records indicate that the Commission received 70 copies of disciplinary letters sent out by departments. If the Commission received the required copies of disciplinary letters, then approximately 36% of the City employees experiencing disciplinary actions appealed to the Civil Service Commission.

On the Reports main page
click on the link “[Chart of
Appeals & Discipline Letters
1999-2003](#)”

8) SUMMARY OF FOLLOW-UP RESULTS ON 18 AUDIT RECOMMENDATIONS

MEMORANDUM

DATE: October 28, 2003

TO: Members, Seattle Civil Service Commission
Ellis Casson, Chair
Elizabeth Ford
John Cunningham

FROM: Susan Cohen, City Auditor

RE: Follow up on the Office of City Auditor's August 2001 *Review of the Civil Service Commission* and Management Letter

SUMMARY OF FOLLOW-UP RESULTS ON 18 AUDIT RECOMMENDATIONS	
Agency Responsible for Follow-up	Audit Recommendations Requiring Further Follow-up
City Council	One new issue
Civil Service Commission	None
Office of City Auditor	None

The Office of City Auditor has completed its follow-up of the August 2001 *Review of the Civil Service Commission* and management letter to determine if the Office of City Auditor recommendations have been implemented. We discussed the recommendations from the audit and Management Letter with the members of the Civil Service Commission and Commission employees, and we reviewed the draft *Rules of Practice and Procedure of the Civil Service Commission*. This audit was conducted in accordance with the Standards for the Professional Practice of Internal Auditing.

Since the audit was conducted in 2001 there have been some significant changes at the Civil Service Commission. There are new Commission members and a new Executive Director. Most hearings are now referred to the City's Office of Hearing Examiner. These steps alone have resolved some of the issues noted in the audit. The Commission has given attention to implementing the recommendations within its power. Many of the recommendations have been implemented or are in the process of being implemented. The attached matrix notes each recommendation and to what degree it has been implemented.

We noted one area where we feel additional clarification or improvement could be made. The City Council passed Ordinance 120936 in September 2002, which includes the following statement:

An employee who is represented under the terms of a collective bargaining agreement between the City and an authorized bargaining unit may use the employee grievance procedure authorized herein in lieu of the grievance procedure provided by his or her collective bargaining agreement only when the collective bargaining agreement does not include provisions governing the action the employee wishes to challenge. [SMC 4.04.240C, emphasis added]

The grievance procedure referenced is in Seattle's Personnel Rules, and allows eventual appeal to the Civil Service Commission. The ordinance language appears to narrow the employee's right, stated in the City Charter, to choose the venue for their appeal in the event of suspension or dismissal. The Charter states:

No member of the civil service may be suspended or dismissed from employment except for justifiable cause. ...Any employee who is suspended or dismissed shall be entitled to an appeal to the Commission except as provided in Section 6.¹ [City Charter, Article XVI, Sec. 7, emphasis added].

At the very least the language is unnecessarily confusing to employees. The attorneys for the Civil Service Commission and for the Personnel Department are taking steps to introduce legislation to clarify the language in the Seattle Municipal Code, and to update the Personnel Rules as well.

We would like to thank the Civil Service Commission members, their staff, and the Personnel Department for their assistance in completing this follow-up.

¹ Section 6 limits employees to only one appeal venue: "No person shall be entitled to appeal to Civil Service Commission if the subject of the appeal has previously been the subject of binding arbitration under a labor contract. follow-up."

Follow up on 2001 Office of City Auditor Recommendations:
THE SEATTLE CIVIL SERVICE COMMISSION

From the August 2001 Review of the Civil Service Commission

Recommendation:	Action:
1. The roles and responsibilities of the members of the Civil Service Commission need to be clarified and formally documented.	
<ul style="list-style-type: none"> • Tape record the pre-hearing conferences so that the Commissioners can effectively monitor CSC staff performance, judge the veracity of any complaints about CSC proceedings, and take proactive steps to prevent the recurrence of questionable conduct during the pre-hearings process. The tape recording should begin as soon as CSC staff members enter the room for the pre-hearing conference. 	Done
<ul style="list-style-type: none"> • Assign one Commissioner to listen to the tape-recorded proceedings on a rotating basis. 	Done
<ul style="list-style-type: none"> • The roles of the Executive Director and Hearing Examiner during pre-hearings should be clearly documented and updated in the CSC's Rules and Plain Language Guide and disseminated to department officials to prevent misunderstandings by department officials about the duties of CSC personnel. This guidance should include an explanation of the role of CSC staff in discussing the option of settlement. 	In process
2. Address Department concerns about the Commission's pre-hearings process.	
Departments should consider filing appeals on any rulings that the department believes are unwarranted on pre-hearing motions. If departments have concerns about the conduct of CSC staff during pre-hearings or any other phase of the appeal process, they should consider submitting complaints to the CSC after it has finished considering the appeal. ²	Planned after new rules adopted
3. Questions about the CSC's jurisdiction.	
The CSC should revise the jurisdictional language of Rule 7.02 so that it accurately reflects its lawful and intended meaning: that only the CSC may determine whether an appeal falls within its jurisdiction, as established by the Charter and the SMC.	Done
4. The Commission's monthly meetings could be run more effectively and efficiently.	
The Commissioners should consider the following:	
<ul style="list-style-type: none"> • Consistently conduct meetings according to parliamentary procedures, such as "Robert's Rules of Order." Adopting parliamentary procedures would help the Commissioners clarify the intent of their motions, approvals, and agenda revisions, and ensure a more orderly transaction of business. For example, during its February 25, 2000 meeting, the CSC 	Could be improved

² CSC Rule 2.05 permits a department or appellant, before the start of a hearing, to file a motion to disqualify the presiding hearing examiner or commissioner.

discussed whether the Hearing Examiner should be paid to attend the CSC's monthly meetings. Subsequently, the Executive Director began paying the Hearing Examiner for attending the meetings, in the belief that the Commissioners had approved such payments at the February meeting. However, none of the Commissioners were of the opinion that they had authorized the payments. Upon reviewing a tape of the February meeting, we concluded that the Commissioners did not authorize such payments to the Hearing Examiner.	
<ul style="list-style-type: none"> The Commissioners need to decide on a mechanism they can use for tracking action items that have not been completed, such as research being done by the Law Department, drafts or communication requested of the Executive Director, the status of the CSC's Goals, Actions, Results, and Measures (GARMs), or Business Plan Performance Measures. 	Improved
<ul style="list-style-type: none"> The CSC should conduct significant CSC business at the beginning of the meeting. Items such as discussion of appeals, progress towards the CSC's GARMs, new business related to the CSC, and CSC budget items should be given priority at the beginning of the meeting because they involve the CSC's Charter responsibilities. 	Done
<ul style="list-style-type: none"> Most of the discussion during the Chair and Commissioners Comments agenda item did not directly pertain to CSC business, and added to the length of the meetings and the time required to prepare the minutes. The Commissioners should exchange this non-CSC information during informal discussions before or after the meeting. 	Done
<ul style="list-style-type: none"> The CSC should be familiar with the requirements of the Open Meetings Act, RCW Chapter 42.30. We noted that the Chair did not always adhere strictly to the procedures for announcing an Executive Session. We recommend that the Chair have a copy of the Open Public Meetings Act list of allowable Executive Sessions available at CSC meetings, and that the presiding officer identify which exception is being invoked and when the CSC will come back on record. When meeting in Executive Session, the Commissioners also need to conduct the session in a manner that is consistent with the cited exception of the Open Meetings Act. 	Done
<ul style="list-style-type: none"> The Commissioners also need to clearly communicate when the adjournment to a Closed Session or Executive Session is related to quasi-judicial matters (i.e., sessions not subject to the terms of the Open Meetings Act). 	Done
<ul style="list-style-type: none"> The Commissioners could achieve increased oversight over the CSC's operations by receiving reports, during the CSC's monthly meetings, on the costs of pre-hearings and hearings.³ According to the Executive Director, a system has been in place since August 1999 to track the costs of the CSC's pre-hearings and hearings processes. The system tracks the hours spent by each participant in a pre-hearing or hearing, and generates the cost data by multiplying each participant's hours of attendance by her/his hourly compensation rate. The system also shows the number of pre-hearings held on each appeal as well as the time spent by the Hearing Examiner and/or Executive Director on reviewing motions, formulating rulings, and consultations. According to the Commissioners, they are not currently provided with periodic reports generated by the cost tracking system. We recommend that the Executive Director use the tracking system to prepare monthly reports for the Commissioners on the costs of ongoing and recently completed appeals. 	N/A This duty has been transferred to the Office of the City Hearing Examiner

³ Both the COCO and COSO internal control frameworks state that for an organization to operate effectively, supervisors should have the means to monitor various aspects of its operations.

5. The CSC needs to revise its Rules and Procedures.	
The project to revise the CSC Rules and Procedures should be a top priority for the CSC. The CSC should revise its Rules as soon as practicable pursuant to the City's Administrative Code. ⁴ The Code requires public notice, publication of the proposed rules, and an opportunity for those affected to comment upon the proposed rules.	In process
6. Inadequate workspace for Administrative Staff Assistant.	
The Fleets and Facilities Department, the City Budget Office and the CSC should work together to develop a solution to this problem.	Done

From the August 3, 2001 management letter on pre-hearing conference behavior:	
<ul style="list-style-type: none"> The Commission needs to take steps to strengthen its appearance of objectivity so that it can attain and maintain a Citywide reputation for objectivity, effectiveness, and professionalism. 	Steps have been taken
<ul style="list-style-type: none"> It is essential that CSC staff communicate in a thoughtful, objective, professional, and considerate manner. The Commissioners need to establish explicit expectations regarding staff communications with appellants and departments during pre-hearing conferences, and implement mechanisms to determine whether their staff have met these expectations. We recommend that one of these expectations be that CSC staff members not discuss their personal experiences with City employment during pre-hearing conferences or hearings because it could create an appearance of fairness issue with one of the parties to the appeal. 	Some steps taken, explicit guidelines needed
<ul style="list-style-type: none"> The Commissioners should discuss the issues raised in our memorandum with department officials. Potential feedback mechanisms include sending a Commission representative to meet with individual departments or the use of anonymous questionnaires to solicit information and opinions regarding the CSC's pre-hearing process. 	Planned for after adoption of new Rules
<ul style="list-style-type: none"> Continue to offer training courses. Such training could help departments fully understand the pre-hearing process.⁵ 	Planned for after adoption of new Rules

⁴ SMC .04.250 (L) (2) states that the CSC is "[t]o make rules for the conduct of Commission business pursuant to the Administrative Code of the City (Ordinance 102228)."

⁵The Executive Director has provided such training to personnel in two departments, and the Commission has stressed its importance by listing it as one of the CSC's goals.